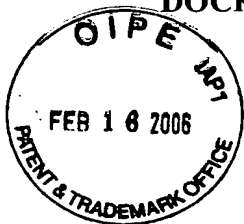


DOCKET NO.: CHIR-0157

PATENT

1645  
TFA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Antonello Covacci, Massimo Bugnoli, John

Telford, Giovanni Macchia, Rino Rappuoli Confirmation No.: 4520

Application No.: 09/360,685

Group Art Unit: 1645

Filing Date: July 26, 1999

Examiner: Devi, Sarvamangala J.N.

For: Helicobacter Pylori CAI Antigen Polynucleotides

DATE OF DEPOSIT: Feb. 13, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: Patrick J. Farley  
REGISTRATION NO.: 42,524

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated January 13, 2006, a response to which is due February 13, 2006, enclosed herewith is:

- ☒ Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- ☒ Substitute pages of the Sequence Listing;
- ☒ Substitute copy of the computer readable form of amended Sequence Listing;

- ☒ Amendment Directing Entry of Sequence Listing into Specification is attached
- ☒ Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☐ Other:
- ☐ Request is hereby made under 37 CFR § 1.136(a) to extend the time for response to the Notice to File Missing Parts of Application of \_\_\_\_\_ to and through \_\_\_\_\_, comprising an extension of the shortened period of \_\_\_\_\_ months:


	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1080	\$	\$2160	\$
TOTAL FEE DUE		\$0		\$0

Applicant(s) has/have not been notified that the requested extension will not be permitted. The present application is not involved in an interference declared pursuant to 37 CFR § 1.207.

Total fee required \$     .00

- ☐ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Date: Feb 13, 2006

  
 Patrick J. Farley  
 Registration No. 42,524

Woodcock Washburn LLP  
 One Liberty Place - 46th Floor  
 Philadelphia PA 19103  
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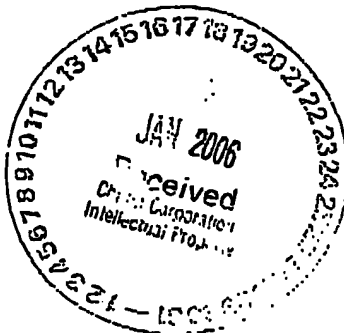
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/360,685	07/26/1999	ANTONELLO COVACCI	CHIR-0157	4520

27476

7590

01/13/2006

Chiron Corporation  
 Intellectual Property - R440  
 P.O. Box 8097  
 Emeryville, CA 94662-8097



EXAMINER

DEVI SARVAMANGALA J N

ART UNIT PAPER NUMBER

1645

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED on/by 1/19/06, ow  
 Atty PT/PA  
 File # PP000316-0006  
 Due Date 2/13/06 Ext SLB  
 Final Date 7/13/06 SLB

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/360,685	07/26/99	Covacci et al.	CHIR-0157

Customer Number 27476	EXAMINER	
	S. Devi, Ph.D.	
	ART UNIT	PAPER NUMBER
	1645	012006

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

1) The instant application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821 (a)(1) and (a)(2). However, the instant application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. It should be noted that 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" and in the text of the description and claims. See MPEP 2431.

The instant specification at page 6, as amended on 10/12/05, and claims 45, 54, 62, 81, 123, 141, 142, 147, 154 and 159 as amended on 10/12/05, recite new sequences, SEQ ID NO: 25, 26 and/or 27, which are not found both in the CRF and the raw sequence listing.

2) APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD OF TIME FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R 1.821(g). Extensions of time may be obtained under the provisions of 37 C.F.R 1.136. In no case may an Applicant extend the period of reply beyond the SIX MONTH statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

3) Any inquiry concerning this communication or earlier communications from the

Serial Number: 10/264,802  
Art Unit: 1645

Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. The Examiner can normally be reached on Monday to Friday from 7.15 a.m to 4.15 p.m. A message may be left on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

January, 2006

  
S. DEVI, PH.D.  
PRIMARY EXAMINER

BEST AVAILABLE COPY

Application No.: **09/360,685****NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(o).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The amended page 6 of the specification and amended claims 45, 54, 62, 81, 123, 141, 142, 147, 154 and 159 include sequences that are not found in the CRF and the raw Sequence Listing.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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